

Mr. BROWN of Ohio. Mr. Speaker, this is the people's House, conducting the public's business openly, or at least it used to be the people's House. At 2:54 a.m. on a Friday in March, the House cut veterans benefits by three votes. At 2:39 a.m. on a Friday in April, House Republicans slashed education and health benefits by five votes. At 1:56 a.m. on a Friday in May, the House passed the Leave No Millionaire Behind tax cut bill by a handful of votes. At 2:33 a.m. on a Friday in June, the House GOP passed a Medicare privatization and prescription drug bill by one vote. At 12:57 a.m. on a Friday in July, the House eviscerated Head Start by one vote. And then after returning from summer recess at 12:12 a.m. on a Friday in October, the House voted \$87 billion for Iraq. Always in the middle of the night, always after the press had passed their deadlines, always after the American people had turned off the news and gone to bed.

With that track record, Mr. Speaker, we should not be terribly surprised that when the House passed legislation privatizing Medicare and forcing the most sweeping changes to Medicare in its 38-year history, we should not be terribly surprised that this Republican House of Representatives passed that bill at 5:55 in the early morning, Saturday morning, hours. The Republican leadership delivered this 1,100-page Medicare bill to House Members on Friday morning at 1:46 a.m. We voted on it 25 hours later.

But I do not really blame my Republican colleagues. If I had produced this bill, I would not want to give people much time to look at it either. When Republican leaders sit down behind closed doors with the insurance industry and with the drug industry and write a bill to privatize Medicare, of course they do not want the public to know much about it.

This bill is not a prescription drug bill. We could have agreed bipartisanly to deliver a \$400 billion drug benefit to our Nation's seniors. This bill is a Medicare privatization bill, written by the drug industry, written by the insurance industry, for the drug industry and for the insurance industry. This bill forces seniors to join an HMO or pay more for the coverage they have now. And we know how HMOs have treated seniors in county after county after county in this country. This bill creates a \$20 billion, that is with a B, \$20 billion slush fund for HMOs and stacks the deck so resolutely against the core Medicare program that privatization is inevitable. This bill jeopardizes employer-sponsored retiree coverage for the 12 million-plus seniors who have this coverage. Several million seniors who now have prescription drug coverage as retirees are going to lose that coverage when their employers drop it. That is a certainty.

This bill leaves such huge coverage gaps in coverage that the average senior will run out of drug benefits by August each year, but will be required to

pay premiums through December. So they will not get a benefit in July, but they will pay the \$35, \$45, \$50, \$60 premium. They will not get a benefit in August, but they will be paying the \$35, \$45, \$50, \$60 premium. They will not get a benefit in September, but they will pay the premium. They will not get the benefit in October, but they will pay the premium. That is what the Republican privatization Medicare bill is all about, written by the drug companies for the drug companies, written by the insurance industry for the insurance industry.

Mr. Speaker, most of these damaging provisions do not go into effect until after the 2004 elections, but this is the people's House. We should conduct our business openly. We should be honest with people whom we serve. We should throw the drug companies and insurance companies out of our offices so they are not writing this privatization legislation. The American people deserve better.

#### MEDICARE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to follow up on what my colleague from Ohio said with regard to this Medicare bill that was passed in the middle of the night after the board was held open for 3 hours, even though most Members had voted. I want to say I was back in my district, of course, during the last 2 weeks during the Thanksgiving recess, and my constituents in New Jersey and throughout the State are outraged over this Medicare bill. They see it as nothing more than an effort to privatize Medicare, to change the traditional Medicare program and not to provide them with any kind of meaningful drug benefit. But what is the most amazing, Mr. Speaker, is what we have learned in the 2 weeks since that vote was taken, what we have learned about the arm-twisting that took place to try to influence Members on the Republican side to vote for the bill as opposed to against the bill, and what we have learned about provisions in the bill that many Members were not even aware of that make the legislation even worse.

I just wanted to talk about those two things this morning. First of all, there is now an investigation by the Justice Department into the bribery, alleged bribery or undue influence that was placed on Congressman SMITH in an effort by the Republican leadership to get him to change his vote against the Medicare bill and in favor of the bill. He ended up voting against the bill, refused to switch; but supposedly he was told that if he did not switch that \$100,000 would not be available from the Republican campaign war chest for his son who was running as a successor for

him to Congress. He was told that there would not be support for his son running as a Member of Congress if he did not change his vote.

Statements were made to that effect on the floor of the House of Representatives that suggest that somehow votes are for sale by the Republican Party on the House floor, here in the House of Representatives in these halls, in this Congress that we so dearly value. Bribery, allegations of bribery, and now the Justice Department is investigating it, in an effort to try to twist arms and get Republicans who wanted to vote against this bill because they knew that was the right thing to do and they were trying to convince them to vote the other way.

In addition, those of you who may have read the New York Times yesterday, front-page article talking about how the bill does not allow for seniors to buy MediGap coverage, I knew that this bill was bad and there are a lot of bad provisions in this bill and my colleague from Ohio has pointed out many of them; but many of us were not aware of the fact that the bill precluded MediGap insurance.

Do you know why it precludes MediGap insurance? Because it does not want seniors who are in traditional Medicare, the Republican leadership, the President, the Republican President, do not want seniors who are in traditional Medicare to be able to supplement and buy MediGap insurance. Why would that be? That is because they do not want them in traditional Medicare. They want to force them to go into an HMO to get their drug benefit or force them to buy some kind of drug-only policy which is going to be tremendously prohibitive. So seniors who traditionally have purchased MediGap coverage, supplemental insurance to cover the things that are not provided for in Medicare, are now going to be told, you cannot do that anymore. Imagine, you are a senior citizen, you do not want to join an HMO, you are very concerned about the cost of a drug-only policy which may not even be available in your area, but you cannot supplement your traditional Medicare by buying a MediGap policy, perhaps, that would provide for a nice drug benefit or would make it easier for you in the long run not to expend a lot of money out of pocket. They are now precluding you from doing this.

It is amazing to me. The Republicans talk about choice, that the reason that they wanted to privatize Medicare and do what they are doing with this bill is because they wanted seniors to have choices; but in effect, what they have done is limit seniors' choices. If seniors cannot even buy supplemental MediGap coverage, what kind of choice is that? No choice of a doctor because in order to get the drug benefit you have to join an HMO; but even if you want to supplement your insurance in traditional Medicare, you cannot do it anymore. They are not going to allow MediGap policies anymore.

It is amazing to me when you look at this legislation what went on. A middle-of-the-night vote, twisting arms, bribing Members of Congress, it looks like, allegations are being made at this point, and no choices at all because you are forced essentially into an HMO. And for what? A Medicare prescription drug benefit that is almost completely useless because, as we have said before, you would have to spend so much money out of pocket, probably over \$4,000 out of pocket in order to get \$5,000 worth of coverage.

We do not even know what the premium is going to be. The premium for the drug benefit could be \$85, \$100 a month for all we know. And you are going to have a \$275 deductible or perhaps a higher deductible. You are only going to get coverage up to something like \$2,000 or so and after that you are going to have to pay out of pocket even though you are continuing to pay the premiums, up to \$5,000. It does not even go into effect until 2006. No cost containment whatsoever. It is just amazing. We have got to continue to point out the bad aspects of this bill.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 11 a.m. today.

Accordingly (at 10 a.m.), the House stood in recess until 11 a.m.

□ 1100

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 11 a.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: In this season of expectation and winter surprises, the words of the prophet Baruch cut through the ages and blanket the earth:

"My people, take off your robe of mourning and lament; put on the splendor of glory from God forever: Wrapped in the cloak of justice from God, show forth the glory of the Lord's eternal name: For God will show all the earth your splendor."

Lord our God, be with the Congress of the United States today. May its work prove to all, You guide Your people always and are present to their deepest needs. By the lasting effects of decisions made here, Your splendor, as our judge, will be revealed.

For You, the Lord, will lead this Nation in joy and fulfillment. By the light of Your glory, You will befriend us with mercy and justice now and forever. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. CHABOT) come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3633

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3633.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 26, 2003.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 26, 2003 at 10:22 a.m.:

That the Senate passed without amendment H.R. 1437.

That the Senate passed without amendment H.R. 1813.

That the Senate passed without amendment H.R. 3287.

That the Senate passed without amendment H.R. 3348.

That the Senate passed without amendment H.J. Res. 80.

That the Senate agreed to House amendment to S. 459.

With best wishes, I am

Sincerely,

JEFF TRANDAH, Clerk.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule 1, Speaker pro tempore THORNBERRY signed the following enrolled bills and joint resolution on Monday, December 1, 2003:

H.R. 1437, to improve the United States Code;

H.R. 1813, to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes;

H.R. 2622, to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes;

H.R. 3287, to award Congressional Gold Medals posthumously on behalf of Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson in recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of *Brown et al. v. The Board of Education of Topeka et al.*;

H.R. 3348, to reauthorize the ban on undetectable firearms;

H.J. Res. 80, appointing the day for the convening of the second session of the One Hundred Eighth Congress;

S. 459, to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits;

and the following enrolled bill and joint resolution on Wednesday, December 3, 2003:

H.R. 2297, to amend title 38, United States Code, to improve benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes;

H.J. Res. 63, to approve the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, and to appropriate funds to carry out the amended compacts;

and the Speaker signed the following enrolled bill on Saturday, December 6, 2003:

H.R. 1, to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare program, to modernize the Medicare program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes.

#### CONGRATULATING THE ELDER FOOTBALL TEAM

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, on the blustery evening of November 29, 2003, the Elder High School football team won their second consecutive Ohio